

DISTRICT OF OREGON, ss: AFFIDAVIT OF HEIDI WALLACE

Application for a Complaint and Arrest Warrant

I, Heidi Wallace, being duly sworn, do hereby depose and state as follows:

**Introduction and Agent Background**

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), currently assigned to the Eugene Field Office.

2. I have been an ATF SA since 2003. As such, I have investigated numerous violations of federal firearms laws, including federal laws pertaining to the possession of privately made firearms, unlawful users in possession of firearms and convicted felons in possession of firearms. Prior to becoming a Special Agent, I worked at the ATF laboratory in Ammendale, Maryland, for a year and a half as an Integrated Ballistics Identification System (IBIS) Specialist. I have a Bachelor's Degree in Sociology from the University of Michigan. I have completed the Federal Law Enforcement Training Center Criminal Investigators program, the ATF New Professional Training for Special Agents program, and the ATF Advanced Interstate Nexus of Firearms and Ammunition course. I am certified by ATF as an Interstate Firearms and Ammunition Nexus Expert.

3. This affidavit is in support of a complaint and arrest warrant for Brandon Leroy Collins (hereinafter, "Collins") (DOB: XX/XX/1988). Because this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included each and every fact known to me concerning this investigation. The information contained in this affidavit is based on my personal knowledge and observations during the course of this investigation, law enforcement reports that I have reviewed, communications with others who have personal knowledge of the events and circumstances described in this affidavit, and information gained through my training and experience.

**Applicable Law**

4. 18 U.S.C § 922(g)(1) provides that it is unlawful for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year, to possess, in or affecting state commerce, any firearm or ammunition. Under 18 U.S.C § 921(a)(3), a firearm is defined as (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

**Statement of Probable Cause**

5. On October 20, 2023, Officer Pesio with the Bend Police Department (BPD) took a report of a domestic assault that occurred between Adult Victim 1 (AV1) and Collins, that occurred earlier that day at their residence located on SW Hayes Ave in Bend. AV1 stated that yesterday evening they had an argument, which she thought was over until she came downstairs in the morning, and Collins started yelling again. Collins then threw two shoes at her, hitting her in the glasses, which caused a red mark under her right eye. Officer Pesio asked AV1 if there were any firearms in the home that Collins had access to, and she confirmed there was. She said there were two 9mm handguns at the residence. One of the firearms was usually stored in the kitchen, and the other was in the master bedroom. AV1 stated that she took one of the handguns to work with her (a Smith & Wesson pistol), but the other firearm she could not recall the make or model. She also told Officer Pesio that Collins was a convicted felon from a previous violent conviction. Officer Pesio asked if Collins would be violent towards law enforcement, and she said that Collins told her “he would not go back to prison.” Officer Pesio advised AV1 to stay somewhere else until she heard back from the BPD, for her safety.

6. Officer Pesio applied for an arrest warrant for Collins and a search warrant for his residence, based on the information obtained during the domestic violence report. Officer Pesio was granted a state arrest warrant and search warrant on October 22, 2023 from the Deschutes County Circuit Court.

7. On October 23, 2023, at approximately 6:30 am, law enforcement officers with the Central Oregon Emergency Response Team (CERT) set up surveillance near Collins' residence located in Bend, OR. At approximately 6:40 am, a subject matching Collins' description left his residence and started traveling south, towards Sunriver, OR, in a white Dodge Charger. When Collins arrived at his place of work in Sunriver, OR, he was contacted by law enforcement officers and arrested without incident.

8. Officers immediately noticed an overwhelming odor of marijuana coming from his person during his arrest and noted that he displayed indicators that he might be under the influence of narcotics. After being handcuffed, Collins advised the officers that there were two firearms in the vehicle. One firearm was on the front seat and the other firearm was in the trunk. Officer Pesio advised Collins of his Miranda rights and asked him for consent to search the vehicle for the firearms. Collins initially responded that the officers were going to search it anyways, but Officer Pesio told him he had the right to say Yes or No, and Collins told him to go ahead and search.

9. CERT Officers on the scene located a loaded black, Canik model TP-9, 9mm caliber pistol in a bag on the front seat. In the trunk of the vehicle, officers located a loaded, unmarked AR-style rifle with no serial number. Collins was asked about the incident on October 20 between himself and AV1, but Collins chose not to answer any questions about it.

10. After Collins was arrested, additional officers served the state search warrant on the residence. Officers utilized keys that were given to them by Collins during his arrest to enter the

residence, which was unoccupied. Officers seized a Smith & Wesson, model M&P Shield, 9mm caliber pistol from the night stand in the master bedroom upstairs. It was in a black and purple nylon holster. The firearm had one round in the chamber and seven rounds in the magazine. Additional searching of the residence located the same type of shoes that AV1 previously told Officer Pesio were thrown at her during the assault. They were located in the living room.

11. I reviewed court documents from Klamath County Circuit Court which showed that Brandon Collins pled guilty to Unlawful Use of a Weapon Against Another and Assault in the Second Degree on May 5, 2016, and was sentenced to 55 months in custody with the Oregon Department of Corrections.

12. On October 25, 2023, I requested a firearms trace to be conducted on the two firearms listed above with serial numbers. The Canik 9mm pistol was determined to be purchased by AV1, on July 4, 2022. The Smith & Wesson pistol was determined to also be purchased by AV1, on November 3, 2019.

13. As an Interstate Nexus of Firearms and Ammunition expert, I reviewed the information provided to me and viewed photos of the items located in the vehicle and residence of Collins. Based on my research, training and experience, I determined that the firearms located in Collins' vehicle and Collins' residence (the aforementioned Canik 9mm pistol and Smith & Wesson pistol) meet the federal statutory definition of a "firearm" and did affect interstate commerce, as they were both manufactured outside the State of Oregon.

### **Conclusion**

14. Based on the foregoing, I have probable cause to believe, and I do believe, that between, on or about October 20-23, 2023, Brandon Collins committed the offense of Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1).

15. I therefore request that the Court issue a criminal complaint and arrest warrant for Brandon Collins.

16. Prior to being submitted to the Court, this affidavit, the accompanying applications, and the requested Criminal Complaint were all reviewed by Special Assistant United States Attorney Andrew Doyle, who advised me that in his opinion the affidavit and applications are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint.

S/ Heidi Wallace

HEIDI WALLACE  
Special Agent, ATF

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone

at 2:10 a.m/p.m. on 12/21/23.

HONORABLE MARK D. CLARKE  
United States Magistrate Judge